

State of Alaska FY2005 Governor's Operating Budget

Department of Law Criminal Division Results Delivery Unit Budget Summary

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Criminal Division Results Delivery Unit

Contribution to Department's Mission

The mission of the Criminal Division is to assure safe and healthy communities by prosecuting and convicting criminal offenders in urban and rural Alaska, by upholding those convictions on appeal, and by providing legal services that support the efforts of criminal justice agencies.

Core Services

1. The Criminal Division protects the public by prosecuting all violations of state criminal law committed by adults, and a large portion of the serious crimes committed by juveniles, and by placing them under appropriate controls.
2. The Criminal Division provides focused and specialized prosecution in the following areas:
 - a. narcotics prosecution (funded by the Department of Public Safety through a federal grant)
 - b. environmental crime (funded by the Department of Environmental Conservation)
 - c. child support enforcement (funded by the Department of Revenue)
 - d. welfare fraud (funded by the Department of Health and Social Services with federal funds)
 - e. Medicaid provider fraud (federally-funded grant to the Department of Law)
 - f. selected fish and game prosecution (funded by the Fish and Game Fund)
 - g. alcohol interdiction in rural Alaska (funded by the Department of public safety through federal grant) a
 - h. white collar and other special prosecution (general fund)
3. The Criminal Division provides assistance to victims and witnesses of crimes such as preparation for testimony in court, travel and per diem expenses, court-mandated witness fees, and information about court procedures, domestic violence restraining orders and violent crime compensation procedures.
4. The Criminal Division supports the efforts of criminal justice agencies to detect and punish crime through investigation, trial, and conviction, by litigating all criminal appellate proceedings and state and federal post-conviction and habeas corpus proceedings. In addition, the Criminal Division also handles civil litigation challenging statutes related to criminal justice, such as sex offender registration, DNA databank, victims' rights, and physician-assisted suicide.
5. The Criminal Division provides general legal services to the Departments of Corrections and Public Safety relating to their criminal justice activities. These legal services consist of verbal and written advice, representation in civil litigation and administrative proceedings, and assistance with drafting legislation, regulations, policies, and procedures. The Criminal Division also provides advice to the legislature on criminal justice matters, and handles all appeals of administrative license revocations by the Division of Motor Vehicles in the Department of Administration.

End Results	Strategies to Achieve Results
(1) Improve Public Safety Against Serious Assault <u>Target:</u> Reduce the rate of violent crime reported in Alaska by 1% per year <u>Measure:</u> % violent crimes per 100,000 population reported	(1) One: Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of violent felonies <u>Target:</u> 55% of violent felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction) <u>Measure:</u> % of violent felony referrals accepted for prosecution that are resolved with a felony conviction
(2) Enhance the Welfare of Children	

End Results	Strategies to Achieve Results
<p><u>Target:</u> Reduce the number of child sexual abuse cases by 5%</p> <p><u>Measure:</u> Percentage change in the number of child sexual abuse cases reported each year</p> <p>(3) Enhance The Protection of Victims of Crimes and Delinquent Acts</p> <p><u>Target:</u> Reduce to zero the number of complaints from victims of crimes and delinquent acts submitted to the Office of Victims Rights, the Attorney General's Office, the Commissioner of Health and Social Services, or the Office of the Governor</p> <p><u>Measure:</u> The number of complaints submitted by victims to the offices designated above</p>	<p>(rather than a misdemeanor conviction)</p> <p><u>Target:</u> 25% of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced</p> <p><u>Measure:</u> % of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced</p> <p>(2) Two: Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of misdemeanor domestic violence (DV) assaults</p> <p><u>Target:</u> 67% of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor, rather than a lesser offense</p> <p><u>Measure:</u> % of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor that has not been reduced</p> <p>(3) Three: Improving Public Safety - Increase public awareness of criminal convictions and sentences</p> <p><u>Target:</u> 80% of press releases announcing notable convictions and sentences are published in the press, radio or television</p> <p><u>Measure:</u> % of press releases published</p> <p>(4) One: Enhancing the Welfare of Children - Increase the prosecution of crimes involving sexual abuse of children</p> <p><u>Target:</u> 35% of crimes of sexual abuse of children accepted for felony prosecution that are resolved with a felony conviction that has not been reduced</p> <p><u>Measure:</u> % of crimes of sexual abuse of children accepted for prosecution that are resolved with a felony conviction that has not been reduced</p> <p>(5) One: Enhancing the Protection of Victims of Crimes - Increase the prosecution of property felonies</p> <p><u>Target:</u> 45% of property felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)</p> <p><u>Measure:</u> % of property felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)</p> <p><u>Target:</u> 35% of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced</p> <p><u>Measure:</u> % of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced</p>

End Results	Strategies to Achieve Results
	<p>(6) Two: Enhancing the Protection of Victims of Crimes - Increase and improve responsiveness to victims</p> <p><u>Target:</u> : Increase training on general victim-related issues, such as victim sensitivity, so that all paralegal assistants who have regular direct contact with victims attend one multi-day training course each year</p> <p><u>Measure:</u> Number of paralegal assistants with regular direct contact with victims who have been provided yearly training in general victim-related issues</p> <p><u>Target:</u> Increase the training in specialized victim-related issues, such as domestic violence or sexual assault prosecution, so that all paralegal assistants who have regular direct contact with victims attend one multi-day training course every other year</p> <p><u>Measure:</u> Number of paralegal assistants with regular direct contact with victims who have been provided biannual training in specialized victim-related issues</p>

FY2005 Resources Allocated to Achieve Results		
FY2005 Results Delivery Unit Budget: \$18,090,400	Personnel:	
	Full time	193
	Part time	1
	Total	194

Performance Measure Detail

(1) Result: Improve Public Safety Against Serious Assault

Target: Reduce the rate of violent crime reported in Alaska by 1% per year

Measure: % violent crimes per 100,000 population reported

(2) Result: Enhance the Welfare of Children

Target: Reduce the number of child sexual abuse cases by 5%

Measure: Percentage change in the number of child sexual abuse cases reported each year

(3) Result: Enhance The Protection of Victims of Crimes and Delinquent Acts

Target: Reduce to zero the number of complaints from victims of crimes and delinquent acts submitted to the Office of Victims Rights, the Attorney General's Office, the Commissioner of Health and Social Services, or the Office of the Governor

Measure: The number of complaints submitted by victims to the offices designated above

(1) Strategy: One: Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of violent felonies

Target: 55% of violent felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)

Measure: % of violent felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)

Target: 25% of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced

Measure: % of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced

(2) Strategy: Two: Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of misdemeanor domestic violence (DV) assaults

Target: 67% of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor, rather than a lesser offense

Measure: % of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor that has not been reduced

(3) Strategy: Three: Improving Public Safety - Increase public awareness of criminal convictions and sentences

Target: 80% of press releases announcing notable convictions and sentences are published in the press, radio or television

Measure: % of press releases published

(4) Strategy: One: Enhancing the Welfare of Children - Increase the prosecution of crimes involving sexual abuse of children

Target: 35% of crimes of sexual abuse of children accepted for felony prosecution that are resolved with a felony conviction that has not been reduced

Measure: % of crimes of sexual abuse of children accepted for prosecution that are resolved with a felony conviction that has not been reduced

(5) Strategy: One: Enhancing the Protection of Victims of Crimes - Increase the prosecution of property felonies

Target: 45% of property felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)

Measure: % of property felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)

Target: 35% of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced

Measure: % of property felony crimes accepted for prosecution that are resolved with a felony conviction that has

not been reduced

(6) Strategy: Two: Enhancing the Protection of Victims of Crimes - Increase and improve responsiveness to victims

Target: : Increase training on general victim-related issues, such as victim sensitivity, so that all paralegal assistants who have regular direct contact with victims attend one multi-day training course each year

Measure: Number of paralegal assistants with regular direct contact with victims who have been provided yearly training in general victim-related issues

Target: Increase the training in specialized victim-related issues, such as domestic violence or sexual assault prosecution, so that all paralegal assistants who have regular direct contact with victims attend one multi-day training course every other year

Measure: Number of paralegal assistants with regular direct contact with victims who have been provided biannual training in specialized victim-related issues

Key RDU Challenges

Challenge No. 1: How to Respond to Increasing Felony Caseload

There has been an increase of 60% in felonies and 10% in misdemeanors in the last decade sent to the Criminal Division for prosecution. Appellate cases saw an increase of 45%. Yet there was only a 10% increase in general fund attorney staff. This case overload has had the inevitable effect of resulting in a higher percentage of cases being plea-bargained to lower charges. For FY 2004, the results of this case overload will continue to worsen. If the Criminal Division receives the new positions approved in the Governor's budget for FY 2005, we anticipate the downward trend in results to slow and hopefully reverse in the short term. However, in the long term, the new positions are the minimum needed at this time, and must be supported with additional positions as caseloads continue to increase, and depending upon the results obtained by adding the new positions.

Challenge No. 2: How to Attract and Retain Qualified Attorneys as State Prosecutors

The Criminal Division faces a challenge, currently and long term, to attract attorneys willing to serve the public as state prosecutors, in both urban and rural Alaska. The high caseload discussed above is only one of the factors that contributes to high attorney turnover and makes private practice more attractive to most entry-level and, especially, experienced attorneys. Attracting qualified attorneys to rural locations such as Bethel, Kotzebue and Barrow is also a long term challenge.

Challenge No. 3: How to Respond to Civil Litigation Challenging Criminal Laws

Along with heavy criminal caseloads, the Criminal Division is often called on to defend the legality of new laws. Although much of this litigation occurs within the context of a specific criminal prosecution, other litigation is often filed as class action lawsuits, requiring significant unbudgeted efforts. For example, there is ongoing litigation over the legality of sex offender registration laws and the DNA databank. Criminal Division attorneys are handling all these lawsuits, although previous litigation in the United States Supreme Court of the sex offender registration law was handled by a private law firm under a special appropriation. Laws relating to victim rights, such as the right not to be secretly recorded by defense attorneys, are being challenged in court and that litigation is also being handled by a private law firm under another special appropriation. At the present time, the funding for outside counsel is adequate for FY 2004, but it is conceivable that an increased appropriation will be needed for FY 2005 for the victims' rights case.

Significant Changes in Results to be Delivered in FY2005

If funds are approved to add the additional prosecution and appellate positions sought by the Attorney General and the Criminal Division in the FY 2005 budget request, the following targeted results could be achieved:

55% of violent felony referrals accepted for prosecution will be resolved with a felony conviction (rather than a misdemeanor conviction)

25% of violent felony crimes accepted for prosecution will be resolved with a felony conviction that has not been reduced

67% of misdemeanor DV assaults accepted for prosecution will be convicted of a class A misdemeanor, rather than a lesser offense

Major RDU Accomplishments in 2003

- In the fiscal year ending June 30, 2003, over 31,000 cases (including 8,500 felony, 22,000 misdemeanor, and 1,000 other cases) were handled by the Criminal Division—an all-time record.
- The United States Supreme Court reversed the Ninth Circuit Court of Appeals, and upheld Alaska's Sex Offender Registration law against a constitutional challenge, although further litigation continues. The Department of Public Safety's popular sex offender internet website was placed back in operation.

Contact Information

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**Criminal Division
RDU Financial Summary by Component**

All dollars shown in thousands

	General Funds	FY2003 Actuals Federal Funds	Other Funds	Total Funds	General Funds	FY2004 Authorized Federal Funds	Other Funds	Total Funds	General Funds	FY2005 Governor Federal Funds	Other Funds	Total Funds
<u>Formula</u>												
<u>Expenditures</u>												
None.												
<u>Non-Formula</u>												
<u>Expenditures</u>												
First Judicial District	1,315.7	0.0	0.0	1,315.7	1,350.2	0.0	0.0	1,350.2	1,539.8	0.0	0.0	1,539.8
Second Judicial District	800.4	0.0	0.0	800.4	897.7	0.0	0.0	897.7	977.5	0.0	0.0	977.5
Third Judicial: Anchorage	3,549.7	0.0	180.5	3,730.2	3,465.7	0.0	349.8	3,815.5	4,135.4	120.0	366.4	4,621.8
Third JD: Outside Anchorage	2,500.9	0.0	102.6	2,603.5	2,446.9	0.0	118.0	2,564.9	2,595.6	0.0	123.1	2,718.7
Fourth Judicial District	2,908.4	0.0	248.8	3,157.2	3,069.9	0.0	304.6	3,374.5	3,330.0	0.0	315.8	3,645.8
Criminal Justice Litigation	1,813.1	0.0	148.9	1,962.0	1,631.5	0.0	209.8	1,841.3	1,054.3	0.0	220.4	1,274.7
Criminal Appeals/Special Lit	1,446.2	351.0	490.2	2,287.4	1,570.8	499.3	759.5	2,829.6	1,997.8	520.7	793.6	3,312.1
Totals	14,334.4	351.0	1,171.0	15,856.4	14,432.7	499.3	1,741.7	16,673.7	15,630.4	640.7	1,819.3	18,090.4

**Criminal Division
Summary of RDU Budget Changes by Component
From FY2004 Authorized to FY2005 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2004 Authorized	14,432.7	499.3	1,741.7	16,673.7
Adjustments which will continue current level of service:				
-First Judicial District	189.6	0.0	0.0	189.6
-Second Judicial District	79.8	0.0	0.0	79.8
-Third Judicial: Anchorage	161.1	0.0	16.6	177.7
-Third JD: Outside Anchorage	23.5	0.0	5.1	28.6
-Fourth Judicial District	260.1	0.0	11.2	271.3
-Criminal Justice Litigation	-577.2	0.0	10.6	-566.6
-Criminal Appeals/Special Lit	190.6	21.4	34.1	246.1
Proposed budget increases:				
-Third Judicial: Anchorage	508.6	120.0	0.0	628.6
-Third JD: Outside Anchorage	125.2	0.0	0.0	125.2
-Criminal Appeals/Special Lit	236.4	0.0	0.0	236.4
FY2005 Governor	15,630.4	640.7	1,819.3	18,090.4